

**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

CORONA POLICE DEPARTMENT; JASON MORRIS; BRYAN SNOW; MICHAEL ABEL; and DOES 1 to 10, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ISAAC MWAURA

SUM-100  
FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

FEB 13 2018

C. Mundo

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

*AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte pude decidir en su contra sin escuchar su versión. Lea la Información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): RIVERSIDE COURTHOUSE  
4050 Main St.  
Riverside, CA 92501

CASE NUMBER:  
(Número del Caso):

**RIO 1803001**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Paul L. Ness, Esq., 205 S. Chapel Ave., Suite B, Alhambra, CA 91801, Tel. 626.287.8726 Fax 626.287.8742

DATE:  
(Fecha) **FEB 13 2018** Clerk, by  
(Secretaria) **C. MUNDO**, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify):

under:	<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
	<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
	<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
	<input type="checkbox"/> other (specify):	

4.  by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul L. Ness, Esq. SBN 114225 Law Offices of Paul L. Ness 205 S. Chapel Ave., Suite B Alhambra, CA 91801  TELEPHONE NO. 626.287.8726 E-MAIL ADDRESS (Optional): Plaintiff Isaac Mwaura		FOR COURT USE ONLY
ATTORNEY FOR (Name): Plaintiff Isaac Mwaura  SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 Main St. MAILING ADDRESS: 4050 Main St. CITY AND ZIP CODE: Riverside, CA 92501 BRANCH NAME: Historic Courthouse  PLAINTIFF: ISAAC MWAURA		<b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE  FEB 13 2018 C. Mundo
DEFENDANT: CORONA POLICE DEPARTMENT; JASON MORRIS; BRYAN SNOW; MICHAEL ABEL; and <input checked="" type="checkbox"/> DOES 1 TO 10, inclusive		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): NEGLIGENCE <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: <b>RIC: 1803001</b>

1. Plaintiff (name or names): ISAAC MWAURA  
alleges causes of action against defendant (name or names):  
Corona Police Department; Jason Morris; Bryan Snow; Michael Abel; and Does 1-10
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
  - a.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):
  - b.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:	CASE NUMBER:
Mwaura v. Corona Police Department, et al.	

4.  Plaintiff (name):  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a.  except defendant (name): Corona Police Dept.  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
  
(4)  a public entity (describe):  
Law Enforcement Agency  
(5)  other (specify):

c.  except defendant (name):  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
  
(4)  a public entity (describe):  
  
(5)  other (specify):

b.  except defendant (name):  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
  
(4)  a public entity (describe):  
  
(5)  other (specify):

d.  except defendant (name):  
(1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe):  
  
(4)  a public entity (describe):  
  
(5)  other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a.  Doe defendants (specify Doe numbers): 1 TO 10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b.  Doe defendants (specify Doe numbers): \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.

7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a.  at least one defendant now resides in its jurisdictional area.  
b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c.  injury to person or damage to personal property occurred in its jurisdictional area.  
d.  other (specify):

9.  Plaintiff is required to comply with a claims statute, and

a.  has complied with applicable claims statutes, or  
b.  is excused from complying because (specify):

SHORT TITLE:	CASE NUMBER:
Mwaura v. Corona Police Department, et al.	

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (specify):

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (specify):

Severe and prolonged mental and emotional distress.

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

All causes of action.

Date: February 8, 2018

Paul L. Ness, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Mwaura v. Corona Police Department, et al.	CASE NUMBER:
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First \_\_\_\_\_ CAUSE OF ACTION—General Negligence Page \_\_\_\_ 4  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Isaac Mwaura

alleges that defendant (name): Jason Morris

Does 1 to \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): January 10, 2017

at (place): At or near 2700 Palisades Dr., Corona, CA92880

*(description of reasons for liability):*

Defendant fired pistol at plaintiff, without warning or cause. Defendant's acts were negligent and reckless, and as a proximate (legal) result, plaintiff was injured as alleged.

SHORT TITLE: Mwaura v. Corona Police Department, et al.	CASE NUMBER
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Second \_\_\_\_\_  
(number)

## CAUSE OF ACTION—Intentional Tort

Page       5      

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Isaac Mwaura

alleges that defendant (name): Jason Morris, Bryan Snow, and

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff on (date)January 10, 2017

at (place)At or near 2700 Palisades Dr., Corona, CA 92880

(description of reasons for liability):

Defendants assaulted and battered plaintiff, pulled open the door of his car that was next to him, dragged him from his car, wrestled him to the ground, physically subdued him, forced him to sit on the ground, shined flashlights in his eyes, all of which made plaintiff reasonably fear for his life and safety. As a proximate (legal) result of said acts and utterances plaintiff was injured as alleged.

SHORT TITLE: Mwaura v. Corona Police Department, et al.	CASE NUMBER
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Third \_\_\_\_\_  
(number)

## CAUSE OF ACTION—Intentional Tort

Page 6

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Isaac Mwaura

alleges that defendant (name): Jason Morris, Bryan Snow, and

Does 1 \_\_\_\_\_ to 10 \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) January 10, 2017

at (place) At or near 2700 Palisades Dr., Corona, CA 92880

*(description of reasons for liability):*

Defendants falsely imprisoned, and unreasonably detained the plaintiff for an extended period of time without justification. Said acts were intentional, wanton and willful. As a proximate (legal) result, of said acts, plaintiff was injured as alleged.

SHORT TITLE: Mwaura v. Corona Police Department, et al.	CASE NUMBER:
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Fourth \_\_\_\_\_ CAUSE OF ACTION—General Negligence Page \_\_\_\_\_ 7  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Isaac Mwaura

alleges that defendant (name): Bryan Snow, and

Does 2 \_\_\_\_\_ to 10 \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): January 10, 2017

at (place): At or near 2700 Palisades Dr., Corona, CA 92880

*(description of reasons for liability):*

Defendants negligently supervised, aided and encouraged defendants Jason Morris and DOE 1 in committing the acts and omissions alleged in the first and second causes of action. As a proximate (legal) result, plaintiff was injured as alleged.

SHORT TITLE: Mwaura v. Corona Police Department, et al.	CASE NUMBER:
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Fifth \_\_\_\_\_ CAUSE OF ACTION—General Negligence Page 8  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Isaac Mwaura

alleges that defendant (name): Corona Police Dept., Jason Morris, Bryan Snow, Michael Abel, and

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): January 10, 2017

at (place): At or near 2700 Palisades Dr., Corona, CA 92880

*(description of reasons for liability):*

Defendants and each of them negligently committed the following acts and omissions: Failure to sufficiently and consistently formulate, disseminate, implement, monitor, review, and obtain adequate independent evaluation and auditing of all prudent, reasonable, advisable, recommended and/or generally accepted rules, standards, guidelines, customs and practices, designed to prevent, minimize, and anticipate the risk of harm to the police and the public (1) with respect to gun safety, (2) with respect to the hiring, promotion, training and supervision of employees who carry firearms, and (3) with respect to police contacts and investigations conducted at night or in darkness, and (4) with respect to patrols, surveillance, and investigations conducted at construction sites and other privately operated locations at which private security officers may be present. As a proximate (legal) result of said acts and omissions, plaintiff was injured as alleged.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

<input type="checkbox"/> BANNING 311 E. Ramsey St., Banning, CA 92220	<input type="checkbox"/> MURRIETA 30755-D Auld Rd., Suite 1226, Murrieta, CA 92563
<input type="checkbox"/> BLYTHE 265 N. Broadway, Blythe, CA 92225	<input type="checkbox"/> PALM SPRINGS 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262
<input type="checkbox"/> HEMET 880 N. State St., Hemet, CA 92543	<input checked="" type="checkbox"/> RIVERSIDE 4050 Main St., Riverside, CA 92501
<input type="checkbox"/> MORENO VALLEY 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553	<input type="checkbox"/> TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591

RI-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)  
**Paul L. Ness, Esq. SBN 114225**  
 Law Offices of Paul L. Ness  
 205 S. Chapel Ave., Suite B  
 Alhambra, CA 91801

FOR COURT USE ONLY

**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF RIVERSIDE

FEB 13 2018

C. Mundo

CASE NUMBER:  
**RIC 1803001**

TELEPHONE NO: 626.287.8726 FAX NO. (Optional): 626.287.8742

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff, Isaac Mwaura

PLAINTIFF/PETITIONER: Isaac Mwaura

DEFENDANT/RESPONDENT: Corona Police Department, et al.

**CERTIFICATE OF COUNSEL**

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

The action arose in the zip code of: 92880

The action concerns real property located in the zip code of: \_\_\_\_\_

The Defendant resides in the zip code of: \_\_\_\_\_

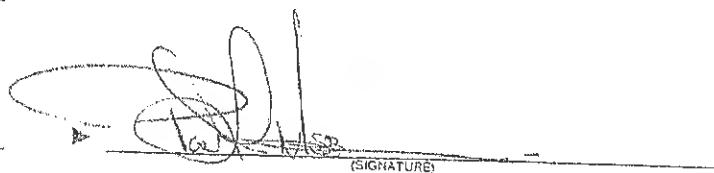
For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at [www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov).

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date February 8, 2018

Paul L. Ness, Esq.

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)



(SIGNATURE)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
4050 Main Street  
Riverside, CA 92501  
[www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov)

**NOTICE OF DEPARTMENT ASSIGNMENT**

MWAURA VS CORONA POLICE DEPARTMENT

CASE NO. RIC1803001

This case is assigned to the HONORABLE Judge Sunshine S Sykes in Department 06 for Law and Motion purposes only.

Effective January 2, 2018, the case is assigned to Honorable Judge John Vineyard in Department 1 for case management hearings (Case Management Conferences, Order to Show Causes, Status Conferences and Trial Setting Conferences) and trial assignment purposes.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

The court follows California Rules of Court, Rule 3.1308(a)(1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law and motion matter are posted on the Internet by 3:00 pm on the court day immediately before the hearing at <http://riverside.courts.ca.gov/tentativerulings.shtml>. If you do not have internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, you must (1) notify the judicial secretary at (760) 904-5722 and (2) inform all other parties, no later than 4:30 pm the court day before the hearing. If no request for oral argument is made by 4:30 pm, the tentative ruling will become the final ruling on the matter effective the date of the hearing.

The filing party shall serve a copy of this notice on all parties.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

**CERTIFICATE OF MAILING**

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

by:

CARMEN I. MUNDO, Deputy Clerk

Date: 02/13/18

CNOALM  
11/17/17

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
4050 Main Street  
Riverside, CA 92501  
[www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov)

NOTICE OF CASE MANAGEMENT CONFERENCE

MWAURA VS CORONA POLICE DEPARTMENT

CASE NO. RIC1803001

The Case Conference is scheduled for 08/14/18 at 8:30 In Department 01.

No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement and serve it on all other parties in the case. CRC, Rule 3.725.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6 shall be filed in accordance with that section.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

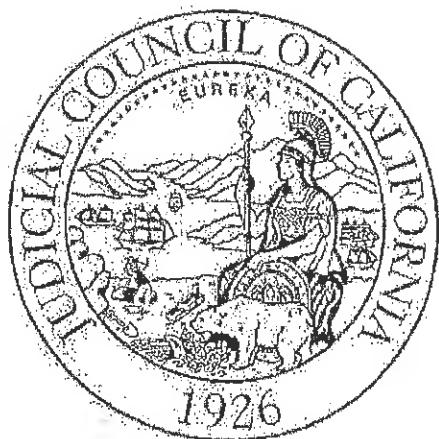
Court Executive Officer/Clerk

by:

CARMEN J. MUNDO, Deputy Clerk

Date: 02/13/18

## **ALTERNATIVE DISPUTE RESOLUTION IN CIVIL CASES**





SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

[www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov)

Self-represented parties: <http://riverside.courts.ca.gov/selfhelp/self-help.shtml>

**ALTERNATIVE DISPUTE RESOLUTION (ADR) –  
INFORMATION PACKAGE**

(California Rules of Court, Rule 3.221; Local Rule, Title 3, Division 2)

**\*\*\* THE PLAINTIFF MUST SERVE THIS INFORMATION PACKAGE  
ON EACH PARTY WITH THE COMPLAINT. \*\*\***

**What is ADR?**

Alternative Dispute Resolution (ADR) is a way of solving legal disputes without going to trial. The main types are mediation, arbitration and settlement conferences.

**Advantages of ADR:**

- ¤ Faster: ADR can be done in a 1-day session within months after filing the complaint.
- ¤ Less expensive: Parties can save court costs and attorneys' and witness fees.
- ¤ More control: Parties choose their ADR process and provider.
- ¤ Less stressful: ADR is done informally in private offices, not public courtrooms.

**Disadvantages of ADR:**

- ¤ No public trial: Parties do not get a decision by a judge or jury.
- ¤ Costs: Parties may have to pay for both ADR and litigation.

**Main Types of ADR:**

**Mediation:** In mediation, the mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to create a settlement agreement that is acceptable to everyone. If the parties do not wish to settle the case, they go to trial.

**Mediation may be appropriate when the parties:**

- ¤ want to work out a solution but need help from a neutral person; or
- ¤ have communication problems or strong emotions that interfere with resolution; or
- ¤ have a continuing business or personal relationship.

**Mediation is not appropriate when the parties:**

- ¤ want their public "day in court" or a judicial determination on points of law or fact;
- ¤ lack equal bargaining power or have a history of physical/emotional abuse.

**Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration the arbitrator's decision is final; there is no right to trial. In "non-binding" arbitration, any party can request a trial after the arbitrator's decision. The court's mandatory Judicial Arbitration program is non-binding.

Arbitration may be appropriate when the parties:

- « want to avoid trial, but still want a neutral person to decide the outcome of the case.

Arbitration is not appropriate when the parties:

- « do not want to risk going through both arbitration and trial (Judicial Arbitration)
- « do not want to give up their right to trial (binding arbitration)

**Settlement Conferences:** Settlement conferences are similar to mediation, but the settlement officer usually tries to negotiate an agreement by giving strong opinions about the strengths and weaknesses of the case, its monetary value, and the probable outcome at trial. Settlement conferences often involve attorneys more than the parties and often take place close to the trial date.

**RIVERSIDE COUNTY SUPERIOR COURT ADR REQUIREMENTS**

ADR Information and forms are posted on the ADR website: <http://riverside.courts.ca.gov/adr/adr.shtml>

**General Policy:**

Parties in most general civil cases are expected to participate in an ADR process before requesting a trial date and to participate in a settlement conference before trial. (Local Rule 3200)

**Court-Ordered ADR:**

Certain cases valued at under \$50,000 may be ordered to judicial arbitration or mediation. This order is usually made at the Case Management Conference. See the "Court-Ordered Mediation Information Sheet" on the ADR website for more information.

**Private ADR (for cases not ordered to arbitration or mediation):**

Parties schedule and pay for their ADR process without Court involvement. Parties may schedule private ADR at any time; there is no need to wait until the Case Management Conference. See the "Private Mediation Information Sheet" on the ADR website for more information.

**BEFORE THE CASE MANAGEMENT CONFERENCE (CMC), ALL PARTIES MUST:**

1. Discuss ADR with all parties at least 30 days before the CMC. Discuss:
  - « Your preferences for mediation or arbitration.
  - « Your schedule for discovery (getting the information you need) to make good decisions about settling the case at mediation or presenting your case at an arbitration.
2. File the attached "Stipulation for ADR" along with the Case Management Statement, if all parties can agree.
3. Be prepared to tell the judge your preference for mediation or arbitration and the date when you could complete it.

(Local Rule 3218)

**RIVERSIDE COUNTY ADR PROVIDERS INCLUDE:**

- « The Court's Civil Mediation Panel (available for both Court-Ordered Mediation and Private Mediation). See <http://adr.riverside.courts.ca.gov/adr/civil/panelist.php> or ask for the list in the civil clerk's office, attorney window.
- « Riverside County ADR providers funded by DRPA (Dispute Resolution Program Act): Dispute Resolution Service (DRS) Riverside County Bar Association: (951) 682-1015  
Dispute Resolution Center, Community Action Partnership (CAP): (951) 955-4900

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE</b> <input type="checkbox"/> Banning - 135 N. Alessandro Road, Banning, CA 92220 <input type="checkbox"/> Hemet - 880 N. State Street, Hemet, CA 92543 <input type="checkbox"/> Indio - 46-200 Oasis Street, Indio, CA 92201 <input type="checkbox"/> Riverside - 4050 Main Street, Riverside, CA 92501 <input type="checkbox"/> Temecula - 41002 County Center Drive, Bldg. C - Suite 100, Temecula, CA 92591		
PLAINTIFF(S):	CASE NUMBER:	
DEFENDANT(S):	CASE MANAGEMENT CONFERENCE DATE(S):	
<b>STIPULATION FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)</b> (CRC 3.2221; Local Rule, Title 3, Division 2)		

**Court-Ordered ADR:**

Eligibility for Court-Ordered Mediation or Judicial Arbitration will be determined at the Case Management Conference. If eligible, the parties agree to participate in:

Mediation       Judicial Arbitration (non-binding)

**Private ADR:**

If the case is not eligible for Court-Ordered Mediation or Judicial Arbitration, the parties agree to participate in the following ADR process, which they will arrange and pay for without court involvement:

Mediation       Judicial Arbitration (non-binding)  
 Binding Arbitration       Other (describe): \_\_\_\_\_

Proposed date to complete ADR: \_\_\_\_\_

**SUBMIT THIS FORM ALONG WITH THE CASE MANAGEMENT STATEMENT.**

PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
<input type="checkbox"/> Additional signature(s) attached		